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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,305	10/01/2002	Ronald Hugh Miller	201-0788 FAM	5733

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EXAMINER

NGUYEN, THU V

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,305

Applicant(s)

MILLER ET AL.

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/1/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the oath does not include the date signed by the inventors.

Claim Objections

2. Claim 17 is objected to because of the following informalities:

In claim 17, line 6, the claimed “the telematics provide” should be corrected to “the telematics provider”

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 8, line 7, the claimed “coupling the in location-specific information” is unclear. It is not clear if the limitation really means “coupling the location-specific information”? Further it is not clear how an abstract object (the location-specific information) could be coupled to a physical object (the network).
- b. Other claims are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 2003/0169181).

As per claim 1, 7, Taylor teaches a vehicle within a network of vehicles, the vehicle comprises: a positioning system (para 0048; 0200); a transmitter for transmitting the vehicle position signal to the plurality of vehicles (para 0048; 0049; 0199); a receiver receiving the location specific information para (0048; 0194; 0200); and a network controller for maintaining a vehicle network connection in response to the vehicle position signal (para 0048; 0068). Taylor does not explicitly teach implementing the network controller to the host vehicle. However, Taylor teaches the capability of tracking the transmission targets (para 0068). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to

implement a network controller to the host vehicle of Taylor in order to allow the host vehicle to determine the target transmission range.

As per claim 2, Taylor teaches the capability of displaying the position of a specific position (para 0200).

As per claim 3-6, including vehicle controller to a vehicle would have been well known. Further, since Taylor teaches the capability of interfacing the system taught by Taylor with other systems (para 0201), and since vehicle subsystems such as safety system, security system and sensors are well known subsystems implemented to the vehicles nowadays, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a vehicle controller, a safety system, a security system and sensors to the host vehicle of Taylor in order to facilitate determining the condition of the vehicle and to inform the vehicle condition to other vehicles.

As per claim 8, Taylor teaches a communication system which comprises: a plurality of vehicles, a communication network; a telematics system (para 0055-0056; 0077-0078; 0085-0089; 0183-0194). Taylor does not explicitly teach coupling the telematics system to the vehicle network. However, Taylor teaches the capability of communicating data between mobiles or stationary telematics devices that are within a predetermined range (para 0068; 0196-0200; -183-0194). It would have been obvious to a person of ordinary skill in the art at the time the

Art Unit: 3661

invention was made to implement the telematics devices to the vehicles and coupling the telematics devices to a network in order to facilitate data transfer between the vehicles.

As per claim 9-10, refer to claims 1-2 above.

As per claim 11, Bluetooth network or WAN network are well known network type. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to select either Bluetooth network or WAN network for the network of Taylor in order to facilitate short range or wide range communication between vehicles

As per claim 12-20, refer to claims 1, 9, 4-6, 8 above.

Cited Prior Arts

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Breed et al (US 6,405,132) teaches providing vehicle information to other vehicles for collision avoidance.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687, (for formal communications intended for entry)

Or:

(703) 305-7687 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The
examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, William Cuchlinski, can be reached on (703) 308-3873. The fax phone number for
this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 308-1111.



THU V. NGUYEN
PRIMARY EXAMINER

March 20, 2003